

REMARKS

Claims 1-6, and 8-20 remain in this application. Claims 1, 11 and 20 are amended, and claim 7 has been canceled. Claims 15, 16, 18 and 19 have been withdrawn from consideration.

The drawings have been objected to for not showing "second speed different than said first speed" and the "proportional control valve." Claim 7 has been canceled in order to expedite prosecution, and therefore the objection to the drawings regarding the proportional control valve has been rendered moot.

As explained in the specification at paragraph [0028], the hydraulic motors 54 and 56, illustrated for example in Fig. 2, are preferably reversible and variable speed, and are mounted at one end of respective augers 44 and 46. The rate of speed at which each auger is rotated controls the proportion of material that is driven to one side or the other of the conveyor trough 42. The rates of speed at which each auger is rotated are not physical structures, but rather motion, such as angular velocity etc. One of ordinary skill in the art will readily recognize that one variable speed hydraulic motor attached to one auger, or other conveying mechanism, and a second variable speed hydraulic motor attached to a second auger, or other conveying mechanism, are adapted to drive the one auger at a first speed that can be different from the speed at which the second auger is driven.

Accordingly, Applicant respectfully submits that to the extent it is possible to illustrate the feature of "second speed different than said first speed", Fig. 2 illustrates this feature by showing the two variable speed hydraulic motors 54, 56 attached to the ends of the augers 44, 46. Therefore, Applicant submits that the claimed feature of moving material at a first

speed and a second speed different than the first speed is illustrated to the extent possible by the schematic representation of the hydraulic motors 54 and 56 in Fig. 2.

Claims 1-3, 11 and 20 remain rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 3,780,955 (*Palmer*). Claim 4 remains rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Palmer*. Claims 5-9, 12-14 and 17 remain rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Palmer* in view of U.S. Patent No. 3,559,893 (*Gruben*). Claims 1-14 and 17 remain rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Gruben* in view of *Palmer*.

Amended independent claim 1 is directed to a material spreader having a novel combination of features including each of at least two conveying mechanisms being adapted to be driven in a first direction to convey material to one side of the chassis outboard of the chassis, and in a second direction to convey material to the opposite outboard side of the chassis.

Amended independent claim 11 is directed to a method of distributing material from a truck mounted material storage container, with each of at least two lateral conveyors being adapted to be driven in a first direction to convey material to one side of the chassis outboard of the chassis and in a second direction to convey material to the opposite outboard side of the chassis.

Amended independent claim 20 is directed to a device for distributing material from a truck, the device including means for moving a first portion of the material in a first lateral direction relative to the material storage container and to one side of the chassis outboard of the chassis and depositing the first portion of the material on a first distributing

means; and means for moving a second portion of the material in a second lateral direction different from the first lateral direction relative to the material storage container and to the opposite outboard side of the chassis and depositing the second portion of the material on a second distributing means.

As discussed during the interview, the above amendments clarify that two conveying mechanisms are adapted to be driven in a first direction to convey material to one side of the chassis outboard of the chassis, and in a second direction to convey material to the opposite outboard side of the chassis. These claimed features are described in the specification at paragraph [0020] and shown in at least Figs. 1B, 2B, 3B and 4B, with the chassis frame being shown in all of these figures and labeled in Fig. 4B. As explained in paragraph [0020], and illustrated in Figs. 1B, 2B, 3B and 4B, the truck mounted twin discharge conveyor is mounted to the chassis of the truck, and the conveyors are housed in a trough and convey material to the left and/or right of the chassis for discharge. This description makes it clear that the trough is mounted laterally on the chassis since, as further explained at paragraph [0022], longitudinal conveyor 30 moves material toward the front end and/or rear end of the truck chassis and into the conveyor trough 42. As further explained in paragraph [0021], and illustrated in Fig. 1A, the truck frame includes rails 27. These rails are illustrated in a side view in Fig. 1A, and again in an end view in at least Fig. 4B. These illustrations, and the description in the specification, including at paragraph [0023], also make it clear that the conveyor trough 42 is mounted laterally across the truck rails 27, which are part of the chassis, and the trough is therefore mounted laterally on the chassis of the truck.

Applicant submits that the claimed features referred to above with regard to independent claims 1, 11 and 20, are lacking from *Palmer* and the other applied references. In *Palmer*, even if it is assumed that hydraulic motor 86 is capable of being reversed, as suggested in the Office Action, the device would still not be capable of conveying material to one side of the chassis outboard of the chassis, and to the opposite outboard side of the chassis.

For at least the above reasons, and the reasons set forth in the response filed February 10, 2004, Applicant submits that all claims are patentable over *Palmer* and *Gruben*, whether they are considered alone or in combination. Withdrawal of all rejections under 35 U.S.C. §§102 and 103 is therefore respectfully requested.

In view of the allowability of independent claims 1, 11 and 20, for the reasons discussed above, Applicant requests consideration and allowance of non-elected claims 15, 16, 18 and 19 since the non-elected claims include all of the features of allowable generic claims 1 or 11.

Prompt issuance of a Notice of Allowance is earnestly solicited. In the event any questions arise regarding this communication or the application in general, please contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: March 25, 2004

By: William O. Trousdell
William O. Trousdell
Registration No. 38,637

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620